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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,028	09/11/2003	Katsumune Hayashi	03558/LH	5811
1933	7590	05/28/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/660,028	Applicant(s) <span style="float: right;">X</span> HAYASHI ET AL.	
	Examiner Marissa L Ferguson	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/11/03</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Figures</u> .                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,7-10,12,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hosomi et al. (US Patent 5,833,380).

Regarding claims 1 and 9, commodity information processing apparatus and a printer comprising a casing (4) having a first casing member (7) and a second casing member (8) arranged to be separable and for opening or closing an inside part through a relative displacement of the second casing member in respect to the first casing member (Figure 5), a guide path arranged in the casing to guide a paper (Figure 4, path is located between P and H), a printing section having a platen (P) and a printhead (H) located oppositely with the guide path interposed there between (Figure 4), a cutter section which has a stationary blade (14) and a movable blade (9) located oppositely with the guide path (Figure 4) interposed there between and cuts a paper printed at the printing section by engaging the movable blade with the stationary blade (Figures 4 and 9), a first unit arranged in the casing and located on one side of the guide path and having any one of the platen and the printhead and any one of the stationary blade and the movable blade (referring to unit located on left side of Figure 5, shown on figure incorporated with detailed action), a second unit arranged in the casing, located on the

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other side of the guide path and having any one of the other platen and the other printhead and any one of the other stationary blade and the other movable blade (located on right side of figure 5, shown on figure incorporated with detailed action), the printhead (H) and the platen (P) being oppositely faced to each other under a closed state of the casing to cause the stationary blade and the movable blade to be positioned at a location where the paper can be cut (Figure 4), the printhead and the platen being moved away from each other under an opened state of the casing and directly fixed to the second casing member to cause the stationary blade and the movable blade to be moved away from each other (Figure 5) and commodity information processing section for processing information concerning commodity (Column 1, Lines 8-12).

Regarding claims 2 and 10, Hosomi et al. teaches commodity information processing apparatus and a printer comprising a connecting mechanism for removably connecting the second unit to the first unit by position setting the first unit and the second unit so as to cause the printhead and the platen to be oppositely faced to each other under a closed state of the casing and to cause the stationary blade and the movable blade to be positioned at a location where the paper can be cut (Refer to figure 5, incorporated with detailed action).

Regarding claims 4 and 12, Hosomi et al. teaches commodity information processing apparatus and a printer wherein the second unit is fixed to the second casing member with a clearance (Refer to figure incorporated with detailed action).

Regarding claims 7 and 15, Hosomi et al. teaches commodity information processing apparatus and a printer comprising a movable blade holding section

arranged at the unit for holding the movable blade (9) and removably holding the movable blade (Refer to figure 5, incorporated with detailed action).

Regarding claims 8 and 16, Hosomi et al. teaches commodity information processing apparatus and a printer comprising a driving source (10) arranged at the first casing member to generate the driving force to the platen, the printhead and the movable blade and a driving force transmission mechanism (21-23) arranged at the first casing member to transmit the driving force generated by the driving source to the platen, the printhead and the movable blade (Column 6, Lines 18-32).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,5,6,11,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosomi et al. (US Patent 5,833,380) in view of Robinson (US Patent 6,447,187).

Regarding claims 3 and 11, Hosomi et al. teaches the invention claimed, however he does not explicitly disclose a connecting mechanism that has a plurality of connecting shafts, with the axes thereof directed orthogonally to the direction of guide of the paper along the guide path. Robinson discloses a printer that teaches a gear set with a plurality of shafts, with the axes directed orthogonally (Figure 2, Figure 3 and elements 25,70, and 74). It would have been obvious to one of ordinary skill at the time

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the invention was made to modify the invention as taught by Hosomi et al. to include a plurality of shafts as taught by Robinson, since Robinson provides a gear set to properly and accurately drive the paper between the platen and printhead smoothly.

Regarding claims 5 and 13, Hosomi et al. teaches commodity information processing apparatus and a printer unit wherein the platen has a paper support section for supporting the paper and a supporting shaft extending at both ends of the paper support section and acting as one of the connecting shafts (Inside shaft of platen, P).

Regarding claims 6 and 14, Hosomi et al. teaches a paper guide arranged at one of the units and supporting one side of the paper at a more upstream side of paper transferring direction than the platen (Refer to figure 4, incorporated with detailed action) and wherein one of the connecting shafts oppositely faces against the paper guide to enable the paper to be held between it and the paper guide under a state in which the first unit and the second unit are connected by the connecting mechanism (Refer to figure 4, incorporated with detailed action).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone


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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson  
Examiner  
Art Unit 2854

Not  
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ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800